

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

LEWIS HEACKER,

Plaintiff,

v.

**AMERICAN FAMILY MUTUAL
INSURANCE COMPANY, et al.,**

Defendants.

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Case No. 09-04270-CV-W-GAF

**PROTECTIVE ORDER REGARDING DOCUMENTS
SEALED OR MADE CONFIDENTIAL IN THE UNDERLYING CASE**

Plaintiff initiated a discovery conference pursuant to Local Rule 37.1 on May 13, 2010, to address the issue of producing documents requested by Defendants that were sealed or made confidential by the Honorable Judge Roger M. Prokes in the case *John Doe HL v. Jane Doe JW*, Case No. 716 CV 18988, in the Circuit Court of Jackson County, Missouri, as well as to move for an Order making confidential several categories of documents. Upon consideration of the issues, the Court makes the following orders:

IT IS HEREBY ORDERED that all documents in Plaintiff's possession that were sealed or made confidential in the case *John Doe HL v. Jane Doe JW*, Case No. 716 CV 18988, in the Circuit Court of Jackson County, as well as the settlement agreement between Plaintiff and the former husband of Defendant Jessica Wright, shall be produced to Defendants subject to this Protective Order.

IT IS FURTHER ORDERED that all such documents so produced shall remain confidential pursuant to the terms of this ORDER, as stated as follows:

Pursuant to the Federal Rules of Civil Procedure, the Court enters the following PROTECTIVE ORDER, which shall be binding and enforceable against the parties, their officers, agents, servants, employees, and attorneys, and any legal or equitable successors:

1. Plaintiff shall mark “CONFIDENTIAL” upon the face of each individual page, or upon the cover of any deposition or compact disc containing digital information, of all documents produced as directed by this Order.

2. Any party challenging the designation of a particular document as confidential must do so within 30 days of receiving said documents. Until such time as a challenge is determined by the Court, all subject matters shall remain confidential pursuant to this Order. To challenge the confidentiality of any document designated as such pursuant to this Order, a party must comply with Local Rule 37.1 and the procedures provided in paragraph 4 of the Scheduling and Trial Order entered in this case.

3. No document designated as “CONFIDENTIAL” may be disclosed, discussed, or in any way communicated to any person other than: (1) the attorneys of record in this action, including paralegals and secretarial and clerical staff who may be assisting in the preparation of the case; (2) expert witnesses to the extent necessary for the preparation of the case; (3) lay witnesses at a deposition to the extent necessary for preparation of the case. Any portion of a deposition in which a document designated as “CONFIDENTIAL” is discussed shall also be confidential pursuant to this Order.

4. Any motion or brief filed with the Court that incorporates or attaches as an exhibit a record marked CONFIDENTIAL pursuant to this Order shall be filed as a sealed document using

the procedure outlined in Section II.B of the CM/ECF Civil and Criminal Administrative Procedures Manual, available on the Court's Website.

IT IS FURTHER ORDERED that this ORDER does not apply to Plaintiff's employment, educational, and medical records or his family's bankruptcy and divorce information. Plaintiff may move separately for a protective order regarding these documents.

IT IS FURTHER ORDERED that this PROTECTIVE ORDER shall apply to the confidential settlement agreement between Plaintiff and Defendant Jessica Wright's former husband, as stated above, and the parties are not bound to maintain confidentiality of Defendant Jessica Wright's former husband's name.

IT IS SO ORDERED.

s/ Gary A. Fenner
Gary A. Fenner, Judge
United States District Court

DATED: May 27, 2010